

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

718R0139

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to provide prosecutorial discretion in charging, as
2 misdemeanors, certain felony offenses pertaining to the sex offender registry.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any sex offender registrant violates any provision of:

7 (1) § 22-24B-5;

8 (2) § 22-24B-6;

9 (3) § 22-24B-7;

10 (4) § 22-24B-8; or

11 (5) § 22-24B-12;

12 the state's attorney shall have the discretion to charge the offense as a Class 1 misdemeanor
13 rather than a Class 6 felony if there is no evidence that the sex offender registrant willfully and
14 intentionally violated the statute.

